App F IX 4

1946 47
( nil )

File No 23-46
Serial Nos. 13

*Previous References*
nil 22-46 (75-77)

*Later References*
C-M Dep no 275/5051

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos*

**Part B for** vol IV 46

**SUBJECT**

Acquisition of a portion of S. No 31/2, Maruswami Kutty, Hammanhalli village, Bangalore

Mr K M Lakshmaiah
" Municipal Council Bangalore
D 5153 d 21-10-46
Encloses that the Government see no reason to intervene in regard to -

Petition from Mr K H Lakshmaiah, Owner of S No 31/2, Hanumanthapur village, Hanniswamy Mutt, Subedar Chathram Extension, Bangalore requesting for stay order in respect of acquisition proceedings of his property, by the city Municipal Council

Ministers ~~orders~~ Memo

1) Is this a fit case for stay orders

Sd/- 11-7-45
J C M R

2) The file leading to the acquisition of a plot of land measuring 25 1/3 Sqs Yds out of Survey No 31/2, Hanumanthapur village, Bangalore Taluk, by the city Municipal Council, is put up. The history of the case is as follows.-

3) In the year 1941, one Sri.11 Subbalakshmamma had purchased Site No 52 in the Subedar Chathram Road Extension subsequently in the year 1942 she was granted a plot of Conservancy lane measuring 50'x5'= 27 1/9 Sqs Yards adjoining the above site while she was putting up a compound wall on the new plot of land one Mr Lakshmaiah, Trustee of the Hanniswamy Mutt is stated to have obstructed her on the ground that a portion of the Mutt land had been unauthorisedly included in the site sold to Sri.11 Subbalakshmamma

4) It is reported that the land in dispute was got measured with the help of a Revenue Surveyor when it was found after verification that a triangular belt of Mutt land measuring 25 1/3 Sqs

Yards had been wrongly included in the Site already sold to Sri Subbalakshmmal. ~~There was~~ Therefore As the Site no sir together with the bulk of the Conservancy land had already been handed over to the possession of the purchasers there was no alternative except to acquire the bit of land under dispute from the Mutt authorities

5) As resolved by the city Municipal Council and as recommended by the Municipal Comm the acquisition of the land in dispute was sanctioned under 17 of the L A Act

6) The petitioner has asked for a stay order on the following grounds -

a) That the portion sought to be acquired contains the tombs of his ancestors and that his religious feelings would be wounded on this account

b) That there was a previous decision of the Municipal Council not to acquire the land in question

c) That his objections were not invited in the first instance

For orders

7) No stay order need be given A detailed report may be called for in two days from the date of stay

14/7

8) In view of the stay order may issue & records called for

14/7 16/7

File No 312/25 1944

Continuation Sheet 4 Current No of Page

9). Draft letter please
A
16/7 hrs

10) Submit with a draft letter

11) Issued
16/7 hrs

In 1647

The Municipal Town Bhore
L 386 d 17-7-45
Issues stay order and calls for the
connected records
from the Municipal Town Barabar city
L c 1050/44 d 17-9-45

Submitted

Facts the file leading to acquisition of triangular bit of land measuring 25 1/3 Sq Yds in S No 31/2 Hammamkhana village, I Division, Barabar and adds that there appears to be no houses in the above triangular bit of land proposed to be acquired

12) The history of the case has been explained fr paras 1 to 6 of the note supra

13) A stay order has been passed in this case, (vide paras 9 to 11 supra)

14) This is a case where the Municipality sold a private land over which it had no title and even handed over possession to the purchaser and after realising the mistake instituted acquisition proceedings, under section 17 of the L A Act, so as to make good the title of the Municipality to the said land, and to legalise its action

15) The ownership of the piece of land in question

n also disputed as Mr K R Narasaveve Gowda, Assistant Commr contends that he is the owner, under a Decree of the civil Court and Mr K H Lakshmaiah, the applicant, has filed a statement that he is the owner of the land. This matter may perhaps be left to the Special Land Acquisition officer who has to pass the Award.

2) The petitioner, Mr Lakshmaiah has asked for the withdrawal of the acquisition proceedings on the following grounds —

1) that the portion proposed to be acquired contains the tombs of his ancestors, and that his religious feelings would be wounded on this account

2) that there was a previous decision of the Municipal Council not to acquire this land

3) that his objections were not invited in the first instance

3) Re objection No I the Municipal Engineer has stated as follows —

" As observed by the Surveyor, there appears to be no tombs in the above triangular bit of land, but a few tombs are in vicinity within a few feet from this land "

4) Re objection No II — The Municipal Commrs Report does not make any reference to this, nor does the Municipal Office file contain any resolution to this effect

19) Re objection no III as the acquisition proceedings were started and sanctioned under 17 of the A Act preliminary declaration statements, calling for objections from the interested parties in the first instance were not published 20) For orders Refer paras 8 to 9 supra

a) The petn of Mr Lakshmana was sent for a report on all the points rel to them

A But the information furnished in respect of the existence of the tanks or otherwise in the area is vague and indefinite There was no reason why this information is based on the report of the Surveyor of the village during the Survey operations and satisfy themselves as to the truth or otherwise of the petitioner. In this behalf further the petitioner states that there was previously a resolution of the panchayat that the land should not be acquired There is no information in this part in the Tahsildar's report

21) It will be seen that in this case the Divisional officer committed a mistake in having disposed of a bit of land belonging to a private party, to a third person This action of the officer had to be regularized by sanctioning the acquisition of the land in question There is a protest from the owner of the land now He has

2/11

some objections how far these are valid has to be examined before passing orders But the ML clerk has not furnished enable the Govt to the full particulars to arrive at a decision

23) Hence the information called for in regard to at A on the previous page will be called for at appl

Addl Secy from 27 Oct

ADDITIONAL SECRETARY
No 2288
Dt 29/10
GOVERNMENT OF MYSORE

24) Yes Engr. Call for a clear report on all points to facilitate final disposal of the case

Jones
29/X/45

Supt Engr
Exy. 31/10

25) Invite with a draft letter.

30/10

26) Issued
3 copies
L 3427 D 1-11-45

Calls for the above information
Reminders - L 5383 d 21-12-45

Reminder no L 9947. d 28-3-46

TYPING SECTION
31 OCT 1945
GEN. & REV SECTT

Secy H)

TYPING SECTION
21 MAR 1946
GEN & REV SECTT

7333 5 1975

From the Municipal Comm: Bangalore city

L1 C 1050/46 dated 16-4-46

Fds a note prepared by the president city Municipal Council in regard to the acquisition of a triangular bit of land in Survey No. 31/2. Hanumanthapura village, Bangalore together with a copy of the resolution passed by the Municipal Council, and requests orders of Govt in the matter of proceeding with the acquisition

2) The note dated 11th March 1946 prepared by the president, Bangalore city Municipal Council explains the position clearly from this note the following facts are gathered -

1) that Mr K H Lakshmaiah the complainant has no right or title to the Mutt property, as per judgement of the High Court

2) the party to be included as the Convenor Mr K R Nanadeva Gowda, Asst Commr, who has agreed to accept the any

reasonable award

3) that the land in question has been acquired and all formalities gone through and is therefore beyond the Council's interference

4) that the Survey Asst., Municipal Engineer and the Supervisor have certified that there are no lamps in this area

5) that the only course now open to the Municipality is to give effective possession of the land to Mrs T V Lakshmana Iyer

2) After seeing the above note of the President the Municipal Council has at the meeting held on 29-3-46, resolved that the Council could not interfere at this stage

The Municipal Town has requested orders to proceed with the acquisition of the property in question

W/5 ~ 323/A

30) It is proposed the following further action will be taken -

a) to withdraw the stay order issued in this office letter No L 386, dated 17-7-45

b) to request the Municipal Commr to give effective possession of the land in question to Mrs Lakshmana Iyer

and

c) to issue an endorsement to Mr K N Lakshmanan, the applicant, to the effect that his request for the cancellation of the acquisition proceedings of the said property cannot be complied with

Flag V 31) The President's note explaining his 24/4 proposal in the case in full. The petitioner may likewise be supplied with a copy of the said note.

32) In the event, the HC may be asked to proceed with the

73.

acquisition of the property.
Action will always be taken as
proposed at para 30 (a), (b) & (c)
of the notes supra

33) Refer para 24 supra
Revised) Ans
24/sept

34) See proposals contained
above may be approved

Minister for Ed "APH" DMS
25/4/46

25.4.46
6.55 p.m.

35) I shall propose this
shot on Friday the
17th inst at 8.30 A.M.
The interested parties
may be asked to be
present. Please inform
the Hind Comm. JHS
13/6/46

DMS 14/5

TYPING SECTION
15 MAY 1946
CONF & REV SECTN

36) Super affirm
pl instruct accordingly letter attached
Ans
14/5/46

37) Draft Lib.
14/5

38) Issue advice
Ans
14/5/46

7333

rec'd NOL/2766 of 15-5-1946
from Naval Commander

[illegible] of appd, this will be sent to the office
of the Minister for Edn & P.W.

JAH
15/5/46 (40) P.A. to the
Minister for Edn & P.W. rec'd Lae
15/5/46

RECEIVED IN THE
DEPT. OF EDUCATION & WORKS
Date 17 5 46
No. 7069

41) The Survey Dept may be
asked to survey & de-
marcate the boundary of
the Mutta lands without
any further delay. All the
connected records including
the original plans for the lay out
may also be obtained.
The compensation proceedings

17/5/46

42) [illegible] 17/5
Lae 17/5/46

43) Send with a draft letter.
17/5/46

44) [illegible]
17/5/46

TYPING SECTION
20 MAY 1946
LAW & REV SECTT

Lae
17/5

7353

25[illegible] 5 516

To

The Municipal Town Officer
L 13312 dated 29-5-46

Issues instructions accordingly and
calls for a further report with records

L 13313 dated 29-5-46

Copy to Town for settlement and
Land Records for immediate necessary action
Town to Settlement L-1

Letter

Fds a copy of this order and the Challenge application
Petition from Mr IC H Lakshmanan
protesting against the acquisition of survey no
3[illegible]/2 in Adhanimanthapuram village as it
contains the [illegible] house ancestors etc

1435 A draft D.O. reminder to the
Municipal Town Bargabore City is
sent up

16/7

To

The Municipal Town Officer
L 11354 d 23-7-46
Reminds for a reply

17/7

TYPING SECTION
19 JUL 1946

9185 516

From the Municipal Comr Bangalore city
L1-C-6050/44, dated 30-7-46

Fds the file regarding the acquisition of a triangular bit of land in S No 31/2 Hanumanthapura village, Bangalore city, together with a Layout Plan of the area

(1) The Connected records since received from the Municipal Comr are put up

(2) The original Layout plan of the area is flagged 'N' The Mutt property is shown in the plan as adjacent to Sites Nos 51 and 52. The existence of graves is noted indicated therein.

(3) The Superintendent of Land Records, Survey and Settlement has with reference to the Challenge petition filed by Mr K H Lakshmaiya in shelled the spot on 28th May, 1946 and an extract of the order passed by him

on the above Challenge petition, is noted below -

xxx

Flag 'R'

I notice that a vast change has taken place in the vicinity and the area round the hissa is covered with tenkhings, with the result that the boundary marks of the Survey number of which the hissa forms a part cannot be fixed with reference to the recorded measurements of the tippan book In these circumstances it is not possible to fix the location of the hissa in question In this view it is not possible to order the correction of Survey records of the hissa Hence I hold that the Challenge case fails."

52) It is clear from the above, that the Survey Dept is not in a position to demarcate the boundaries of the Mutt lands, as they exist at present

53) The points for orders are noted at paras 30 to 34 of the notes Supra.

52) Refer para 35 of the notes Supra

Serial No

53) Kindly reference is invited to the detailed orders of the Superintendent of Land Records, Survey & settlement in this case (Orly R), according to which the challenge case filed by one K H Lakshmaiah to the effect that the land belongs to him has failed. His decision is fully supported by the data on which the above office has based his decision

54) Kindly refer to the original sketch (Orly N) of the area The site in respect of which there is contention is numbered 52 Although the dimensions there were fixed at 50'×60' in the original plan, the site actually sold was 50'×75' in the year 1939 A strip of 5' width behind the applicant's (one Lakshmanaiyya's) site was sold to him by the Trust thereby part of the transaction dated on 16.9.1942 It is this portion of the land which is contended by one Lakshmaiah as belonging to him & which is required for being given away to one Lakshmanaiyya

55) According to the survey records already made, it is seen that his contention cannot be upheld at all But as the Trust have, however, taken action on the assumption that it belong to them, the pleading cannot be completed the usual proceedings to hand over effective

the Presidents note Map V

D I T

NOTE—Contn Sheet

possession of the Dewan [illegible] Lakshmanayya

56) Having regard to the circumstances of the case & of the fact that the tombs are reported to be not also situated on the area declared by Mr Lakshmanayya as 'Extended by the Government' the stay order issued in the matter might be vacated so that the award order might be passed by the Land Regn. Officer and the land put to effective possession of the petitioner Mr Lakshmanayya. An endorsement will also be issued to Mr K H Lakshmiah to the effect that Govt Cannot interfere in the matter Now are the Govt. orders referred to in para 30 supra

57 Papers para 41 supra for orders

Reminder for 15/9/46

58) Refer Ministers' Minutes at paras 35 & 41 above

Minister for Edn) 17/9

17/9

59) [illegible] 17/9

8/10/46

10/10

60) Office please 10/10/46

OFFICE OF THE MINISTER FOR EDUCATION & P. H.
Date 17 9 46
No. 1947

C 556 / 46 MS & 11 to MS

918/L 3004

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

SECTION
4 OCT 1946
SCTT.

6) Sealed with two drafts

Issue office

10/10

To The Municipal Commissioner

L 5751/R dt 26-10-46

Vacates the stay order and directs that action may be taken to hand over effective possession of the property to Tvr Lakshmana Iyer

To Tvr K H Lakshmaiah

Executive Chairman Corporation, Bangalore

S 1813 dt 26-10-46

Endorses that Govt sees no reasons to intervene in the matter

Letter no — dated 22-10-46 from Tvr C V Lakshmana Iyer, Asst Accountant requesting orders of Govt in the matter

A draft endorsement to Tvr C V Lakshmana Iyer is submitted

Issue

5/11/46

SECT
9 NOV 1946
GEN & REV SECTT

To. Tvr C V Lakshmana Iyer

L 5721 dt 11-11-46

Endorses accordingly

B

NOTE—Contn Sheet No

File No of 194

General and Revenue Secretariat

Serial No

Appendix F, G —1]

SUBJECT Acquisition of a triangular bit of land in NA 31/2, Hammandukapur Village
I Draw A cft

Section Jud

File No

Serial No

Diary No of letter replied to 7333

No L12746 Muddaw at 3 30 p.m.

To The Municipal Com

Sir,

With reference to your letter No LIC 1050/46 of 16.6.46 on the above subject, I am directed to state that the Minister for Eden HRB will inspect the spot on Friday the 17th inst. at 8.30 A.M. I am to request that the interested parties may be present at the time and the spot

I have the

Yours

Rev Sy Govt

19

General and Revenue Secretriat

( )

the 194

Date of issue 15.5.46

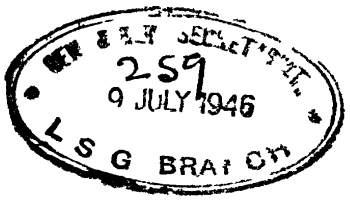
Signed by MRGRA

List of enclosures

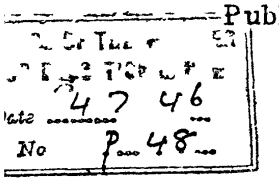
Copied by

Examined by

WD 0874—GPB—25 000—20 11-45




Before the Hon'ble Minister for Education and Public Health, to the Government of H. H. the Maharaja of Mysore, Bangalore




The humble representation of K H Lakshmiah, residing in S No.31/2, Hanumanthapur, Kasba Hobli, Bangalore North Taluk, on the eastern side of the Subedar Chatram Road, Seshadripuram, Bangalore City, most respectfully showeth.

May it please Your Gracious Honour

1 That S No 31/2 of Hanumanthapur Village (now within the limits of Seshadripuram, Bangalore City, contains the tombs of the preceptors and ancestors of the petitioner and is in his possession and enjoyment

2 With the formation of the New Extension, the above Survey Number was exempt from acquisition with a view not to disturb the religious sanctity of the place, as is evidenced by a perusal of the Plan got prepared by the City Municipality prior to acquisition

3 That the acquisition of the above Survey Numbers containing the tombs was given up on a resolution passed by the Municipal Council on 8th July 1940 The Council inspected the spot on 8-7-40 and unanimously resolved to drop the acquisition of S No 31/2

4 In the Notification dated 24th May 1945 published

published in the Mysore Gazette, it was proposed to acquire about 25 1/3 sq. yds., or 228 sq.ft. of land in the above Survey Number wherein the - graves are embedded The Notice of Acquisition was served on the petitioner on or about 5th July 1945 directing him to deliver possession of the - property It is submitted that no opportunity was given to the petitioner to put forth his objections The petitioner was obliged to move the Hon'ble Government to issue a Stay Order and as a matter of fact a stay of further proceedings was granted.

5 It is submitted that notice of resolution regarding the dropping of the proposed acquisition was given to the Municipality on 30th June 1945 for the Meeting dated 14th July 1945. On the above resolution, orders were finally passed by the Municipal Council in the month of December or thereabouts, wherein the acquisition intended solely to support a single individual was dropped

6 The petitioner his reason to suspect that the question of acquiring 228 sq ft in S No. 31/2 where the graves are situated has again cropped up at the instance of one Mr C V Lakshmana Iyer,an employee in the Bank of Mysore, Bangalore, as is evidenced by the Agenda for the Meeting dated 29th March 1946

7 The petitioner learns that the said - C. V Lakshmana Iyer was directed to seek his remedy in a competent Court of Law

8 It is needless for the petitioner to submit that during the Presidentship of Dr Royan, the question of acquisition was finally dropped, as is evidenced by the Endorserent No L Dis Gl 3945/40 dated

dated 20th December 1940

9 In any event, the proposed acquisition is opposed to law, religious feelings and equity, since it is intended to satisfy only one single individual owner of the neighbouring site No.52, who has purchased the property 50 x 60 ft , from the Municipality

10 At the instance of the then Municipal Commissioner, the petitioner moved the Revenue - Survey Department to measure the above Survey Number and fix up the boundaries and no final orders are passed, inspite of the fact that the application was filed in the beginning of April 1943

For the foregoing reasons, it is - prayed that the acquisition be dropped

Bangalore City,
17th May 1 9 4 6

The petitioner begs to subscribe,
May it please Your Gracious Honour,
Your Honour's most obedient & dutiful subject,

ಕೆ ಶೇಷಾದ್ರಿಪುರಂ

No.138, New Extension, Seshadripuram,
Bangalore City

Immediate

L 13312 & 29 S 46

To

The Municipal Town
Bangalore city

Subj. Acquisition of a triangular bit of land in S No 31/2 Hanumanthapura village, I Division, Bangalore city

Sir,

With reference to the correspondence ending with ~~the~~ this office letter No L 12746 of 15-5-46 on the above subject, I am directed to state that the Survey Department may be requested to Survey and demarcate the boundary of the lands belonging to Mariswamy Mutt, Sulebele Chattram extension Bangalore, without any further delay

A further report in the matter may be submitted to Govt very early, with all the connected records including the original plans for the above Lay out, and with

the particulars referred to in para 1 supra

I have &c

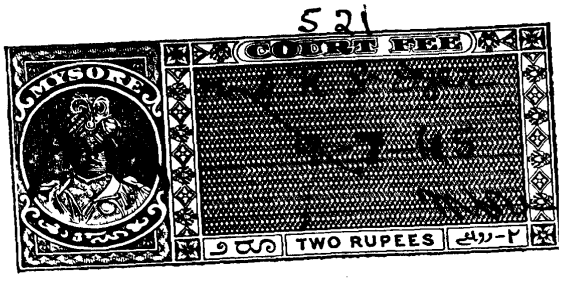
for Revenue Secy

Memo no. L/13313 dated 29.5.46

Copy, w.c. to the ~~Superintendent~~ Commissioner for Settlement and Land Records in Mysore, Ashore, for favour of immediate necessary action.

Asst

for Revenue Secy




GEN & REV SECT
312
17 JULY 1945
L S G BRANCH

Before the Government of His Highness
the Maharaja of Mysore at Bangalore.

---

Petitioner K. M. Lakshmiah,
Owner of S.No.31/2
Hanumanthapur Village,
Mariswami Mutt,
Subedarchatram Extension,
Bangalore City.

---

FOR L S G & P H
Date 11-7-45
No 14

The petitioner has filed an application before the Government for reconsidering the ordering directing the acquisition of the portion of Survey No.31/2, Hanumanthapur Village, Subedarchatram Extension, Bangalore City.

XXX

Is this a top Case for Stay order

HB 11-7-45 Law Secy

The petitioner has been served with a notice on 5-7-1945 intimating that the Special Land Acquisition Officer intends taking possession of the property The portion that is sought to be acquired and taken possession of contains tombs of petitioner's ancestors and is treated as a place of worship by the petitioner The petitioner has detailed in the application the reasons which justify the Government directing the acquisition proceedings to be dropped In the meanwhile, if further proceedings by way of taking possession of the property are permitted to go on, the petitioner submits that irreparable loss will be caused to the petitioner in addition to the religious feelings of the petitioner being very deeply wounded and the act of taking possession cannot be done without tresspassing upon and disturbing the repose of the

Put up Today
12 7 45
Further
12/7/45

the persons who are held in great reverence and regard by the members of the petitioner's family. It is therefore necessary that the Government may be pleased to direct that further proceedings by way of taking possession or otherwise of Survey No.31/2 Hanumanthapur Village, Subedarchatram Extension, by the Special Land Acqusition Officer, Bangalore City, may be stayed pending the hearing of the main application.

ಕೆ. ಹನುಮಂತಯ್ಯ

Bangalore,
Dated 11-7-1945

Advocate for Petitioner.

IMMEDIATE

L-38 Petition
Encl

17th July 1945

Additional

The Municipal Commissioner,
Bangalore City.

Sir,

In inviting reference to this office Notification No L.11151-3/41 22-44-77 dated 15th May 1945, I am directed to state that further proceedings in regard to the acquisition of the triangular bit of land measuring 25 1/3 sq. yards in S No 31/2 in Hanumanthapur village, I Division, Bangalore City, belonging to Mr K H Lakshmaiah, Mariswami Mutt, Subedar Chatram Extension, may be stopped and the records leading to the acquisition of the above Survey No may be submitted to Government for further orders, at an early date T

The petition received from the said person is enclosed for a report on all the points referred to therein

I have the honour to be,
Sir,
Your most obedient servant,

Additional Secretary to Government

Immediate 7/7/45.

To

The Municipal Commr

Bangalore city

Sir, With reference to his office
memo no L 1151-3/M 22-44-47 D 15-5-45
I am directed to state that
further proceedings in regard to the
acquisition of the triangular piece of
land measuring 25 1/3 sqs yards
in S no 31/2 in Hanumanthapura
village, I Division, Bangalore city,
belonging to Mr K H Lakshmiah,
Manswamy Mudh, Subedar Chettiar
Extension, may be withheld and
the records leading to the

accumulation of the above Survey

to may be submitted to Govt

for further orders at an early

date. The petn received from Thakur Hiranand

is enclosed for a report and return

with yours

for Adell Lee

**BANGALORE CITY MUNICIPALITY**

No L/C 1050/44
Encl One letter connected file with a sketch

MUNICIPAL OFFICES,
Bangalore 17th Sep 1945

FROM

K SUBBA RAO Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

J B Mallaradhya, Esq , M A ,
Additional Secretary to the Government
of Mysore, Bangalore

ADDITIONAL SECRETARY No Date GOVERNMENT OF MYSORE

SIR,

Sub - Acquisition of a triangular bit of land measuring 25 1/3 Sq yards in S.No 31/2 Hanumanthapur village 1 Division-Bangalore

I have the honour to for ard herewith the records leading to the acquisition of the above property as desired in your letter No.L 306 dated 17-7-45

2 In this connection I wish to state that the Municipal engineer has reported that there appears to be no tombs in the above triangular bit of land proposed to be acquired and that a few tombs are in existance within a few feet from this land as indicated in the sketch

3 The sketch and the connected records are sent herewith for reference and return

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

hsr/-

Send the Sketch
as he suggested -

14/10

L S V RAMA IYER DIP IN COM
ASSOCIATE MEMBER OF THE
INDIAN INSTITUTE OF BANKERS
CHIEF ACCOUNTANT BANK OF MYSORE LTD
HEAD OFFICE BANGALORE

PERSONAL.

DEPUTY SECRETARY 2711 18 OCT 1945 SECRETARIAT BRANCH

SRIRAMAJAYAM
2186 FIRST CROSS ROAD
MALLESWARAM (POST)
BANGALORE CITY

9th October 1945.

Dear Mr. Mallaradhya,

I am troubling you again in connection with my friend Mr C.V. Lakshmana Iyer with whom I had called on you the other day and shall feel grateful if you will kindly do your best in the matter (vide Mysore Gazette No. L.11155/ML.22=44-78 dated 24th May 1945, Part III, Section 1 - page 222).

If necessary, we shall meet you again after you return to headquarters.

Thanking you in advance and with kindest regards,

Yours sincerely,

To

J.B Mallaradhya, Esq., M. A.,
Additional Secretary to the Government,
CAMP - MYSORE.

No L. 3427

1/11/45

UR Immediate

To The Municipal Commr Bangalore City

Acquisition of a triangular bit of land measuring 25 1/3 Sq. Yards in S No 31/2 Hanumanthapura village Bangalore

Sir, with reference to your letter No. C 1050/44 dt 17-9-45 on the above subject I am directed to observe that the information furnished by you in respect of the existence of the lands or otherwise, in the area is vague and indefinite. Further, the petitioners states that there was previously a resolution of the City Municipal Council that the land in question should not be acquired. No information is available in this

Forwarded with compliments
Your obedient servant,
H. Thimmaiah
Municipal Commissioner
Honorary President 17.4.46

report on this aspect of the Encroachment also and it cannot therefore be made one-how far the objections of Mr. M. Lakshmana the petitioner are valid

I am therefore to request you kindly furnish full particulars on all the ~~facts~~ objections raised ~~mentioned~~ by the petitioner in his application dated 11-7-45, C herewith enclosed (for reference), to facilitate the final disposal of the question

The Municipal Office file on the subject is also ~~returned~~ enclosed for reference and return along with your report

Yours faithfully
for Addl Secy

MUNICIPAL OFFICES

No L 9967 Date 28.3.46 1946

The Municipal Commissioner,
Bombay.

To L 5-5-83 / 21-12-45

The Municipal Comr. Bombay-

Acquisition of a triangular piece of land in S No 31/2 Hanumanthapura Village, I Division, Bangalore Sub.

I am directed to invite reference to the correspondence ending with this Office letter No L 3427 dated 1-11-45, on the above subject and to request that the plan referred to therein may be forwarded very early.

Yours faithfully,
for Revenue Secy

No L1 C 1050/44

Enc 1 Resolution copy
2 Copy of President's note
3 Original petition

CITY MUNICIPAL OFFICES

*Bangalore dated* 16-4- *1946*

D.No.4333
8.23 6 46

No L 9947 Date 28.3.46

The Municipal Commissioner,
Bangalore City

Sir, Subject - Acquisition of a triangular bit of land in SN # 31/2 Hanumanthapur village Dasarahalli, Bangalore

I am directed to invite reference to this Office letter No L 8427 dated 1st Nov 1945 calling for certain information on the above subject and the subsequent reminder thereon and to request you to forward the same immediately.

I am etc

for Secretary to Govt
Revenue Department

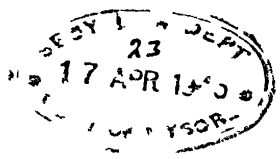
No L1 C 1050/44.

Enc 1 Resolution copy
2 Copy of President's note
3 Original petition

CITY MUNICIPAL OFFICES,

*Bangalore dated* 16-4- 1946

D.No.7333
B.23 6.46



FROM

SAFI DARASHAH, ESQ, B A
*Municipal Commissioner*
*Bangalore City*

To

J B Mallaradhya, Esq, M A,
Secretary to Government,
Law Department, Bangalore

SIR,

Subject - Acquisition of a Triangular bit of land in Survey No 31/2, Hanumanthapur village, I division, Bangalore City

---

With rererence to your letter No L 3427 dated 1st November 1945 and subsequent reminder there on calling for certain information on the above subject I have the honor to state that the matter together with a detailed note of the Honorary President, dated 14-3-46 was placed before the Municipal Council at their meeting held on 29-3-46 wherein they resolved that the Council could not interfere at this stage

A copy of the council resolution and a copy of the Honorary President's note dated 14-3-46 are herein enclosed for favour of reference

I request that orders of Government in the matter of proceeding with the acquisition may kindly be communicated to this office early

The original objection petition of Mr K H Lakshmiah dated 11-7-45 accompanies

I have the honor to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Forwarded with compliments
Honorary President 17 4 46

Bsk

President's note on the petition dated 11th March, 1946 of Mr C V Lakshmana Iyer on behalf of his wife Sri Subbalakshmmal

---

It is unfortunate that while placing the above resolution before the Council proper guidance was not given by any office note The wordings of the resolution are misleading and opposed to facts I am of opinion that the resolution as passed is ultra-vires and the council would not have passed such a resolution if all facts had been placed before them

The Municipality formed a layout in Subedar Chatram Road acquiring mostly properties of temples and religious institutions and site No 52 in first parallel road measuring 75' x 50' was one of the sites formed in the above layout and purchased by the applicant in Municipal auction on 21-4-1939

3 The Municipality had formed a conservancy reserve of 5' behind this line of sites for running underground drainage as has been done in several other extensions

4 Since the reserve of 5' was not required by the Municipality, the applicant applied for and the Municipality sold the same Payment was received and this strip of 5' width behind the applicant's site was put into the possession of the applicant so far back as 16-9-1942

5 License was granted to construct an outhouse on 4-2-1943 wherein this strip of 5' is included

6 At the time of construction of the building one K H Lakshmiah obstructed the construction The duty of the Municipality was clearly to give effective possession of the property which they have failed hitherto

It was on the petition of the above K H Lakshmiah further action was taken without taking steps to find out if he had any right to the property Instead of calling for the title deeds to prove his case, the Municipality wrote to the Survey Department to survey the land with a view to find out ~~xx~~ if any bit of land belonging to the Mutt was included in the layout of the Municipality It is clear from the records that things went wrong even in the Survey Department and after a long lapse of time a survey plan was received showing therein a triangular bit about 25 & 1/2 sq yards of Mutt land as having been included in a layout consisting of hundreds of sites

8 The said ~~xxxxxxxxxx~~ complainant K H Lakshmaiah has no right or title to the Mutt property wherein all open land without reversion are, rights in which is included this triangular bit of land as per judgment of the High Court of Mysore in R A No 83-84 of 42-43

9 In spite of all the above facts if the Municipality liked to regularise the deal by acquiring the small bit of land the party to be included is the correct owner Mr K.R Marudeva Gowda, B A ,LL B , who has agreed to accept any reasonable award

10 The land in question has been acquired and all formalities gone through and is therefore beyond the Council's intereference

11 There are reports from the Survey Department, the Sub-overseer and the Municipal Engineer that there are no tombs in this area

12 A report to the Government has got to be sent and the Municipality can do nothing but to give effective possession of the land to the applicant.

This may go before the Council for consideration.

With compliments to the Commissioner

Sd H C Suryanarayana Rao,
14-3-46

" Copy "

Municipal Commissioner

Bsk.

Bangalore City Municipality.

Proceedings of the meeting of the Council dated 29-3-46.

No 29 -

Application from Mr C V Lakshman Iyer re the grant of the conservancy lane behind site No 52 in Subedar Chatram Extension also President's note thereon

Res - The Council cannot interfere at this stage

Sd H C Suryanarayana Rao,
Honorary President

" Copy "

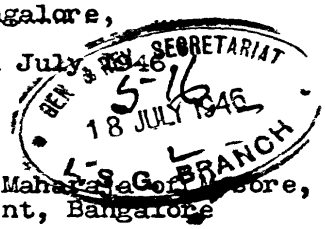
C. Municipal Commissioner

Bsk

MEMO

No. L/F 2-4
Date 11/7/1946

OFFICE OF the Commissioner for Settlement and Land Records in Mysore,
PLACE Bangalore,
Dated 10th July, 1946.




To The Secretary
to the Government of H H the Maharaja of Mysore,
Revenue Department, Bangalore

Sir,

SUBJECT - Demarcation of S No 31/2 of Hanumantha -pura Village, Bangalore North Taluk.

With reference to your Memo No L 13313 dated 29th May 1946 on the above subject, I have the honor to forward herewith for reference, a copy of the detailed note and the orders passed by the Superintendent on the challenge application filed in this office by one Mr K H Lakshmiah in respect of S No 31/2 referred to above

A copy of the hissa survey tippan and pakka book relating thereto, together with the statement (in original) taken by the Surveyor during the course of the Record of Rights Operations of the village is sent herewith for perusal and return when no longer required

I have the honor to be,
Sir,
Your most obedient servant,
P Ramaswamy Iyengar
For Commissioner for Settlement and Land Records

KJ
DKV

L1035 of 23 7 46

Surg - Acquisition of a Triangular bit of land in Survey No 31/2 Hanumanthapura village, I Division Bangalore city

Dear Sir,

I am desired to invite reference to this office letter No A/3312, dated 29-5-46, calling for a further report on the above subject and to request that the same may be submitted to Govt without-

further delay, as the question has been pending since July, 1945 the speedy disposal of which is sincerely desired.

Yours sincerely,

Sd/- D. Devaprasad Rao

17/7/46

Municipal Commissioner
Bangalore City

Memo No. M/[illegible]/17/46

Copy with compliments to the Commissioner for Settlement and Land Records for his report as to whether the survey and demarcation of the land in question have been completed

(vide T.O. Memo. No. L/13013 D. 29-5-46)

for 17/7/46

Ml 23-46-12

# Bangalore City Municipality

No L1 C 1050/44
Encl 1 file, one Layout Plan with Pherist
FROM

MUNICIPAL OFFICES,
*Bangalore* July 30, 1946

SAFI DARASHAH, ESQ, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

J. MALLARADHYA, Esq , M.A ,
Secretary to the Government,
Revenue Department, Bangalore.

SIR,

Subject - Acquisition of a triangular bit of land in S No.31/2, Hanumanthapur village, I Division, Bangalore City

With reference to your letter No L 13312 dated 29-5-1946 and subsequent D O reminder No L 1035 dated 23-7-46 on the above subject, I have the honor to forward herewith the entire connected records together with a copy of Layout Plan and a copy of Memo No RR.1/1946-47 dated 10-7-1946 received from the Superintendent of Land Records Survey and Settlement in Mysore, Bangalore, for favour of kind reference and orders of Government, in the matter,

I have the honor to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Bsk

Memo No RR 1/1946-47,dated 10th July 1946,from the Superintendent of Land Records Survey & Settlement in Mysore,Bangalore to the Municipal Commissioner, Bangalore City

---

Reference -

1 Hissa Survey Record relating to S No 31 of Hanumanthapur village,Bangalore North Taluk

2. Application dated 17th February 1944 from one Mr.K H Lakshmiah to the District Survey Officer,Bangalore,requesting to demarcate the hadbust of his land in - S No 31 of Hanumanthapur village,Bangalore North Taluk

3 Petition dated 17th October 1944 from the same party addressed to the Commissioner for Settlement and Land Records,praying that his land referred to above may be got remeasured and the hissa survey measurements rectified as they do not conform to the line of enjoyment of his land

4 Conflicting reports on the subject submitted by two District Survey Officers which resulted further in the spot inspection by the Superintendent of Land Records, Survey and Settlement on 28th May 1946

History of the Case.

It is seen from the file of records received from the office of the District Survey Officer,Bangalore District that Mr K H Lakshmiah, hissadar of hissa No 2 of S No 31 of Hanumanthapur village,Bangalore North Taluk, first applied to the District Survey Officer, Bangalore on 17th February 1944 for showing the hadbusth of his land

Accordingly, the hadbust of the land was shown to the party by the Taluk Surveyor as measurements recorded in the hissa survey tippan by surveyour Guddo Virupaksha who measured the hissas in 1929 The spot was inspected both by the Supervisor and the District Survey Officer The party not being satisfied with the hadbust shown as per hissa survey measurements challenged the accuracy of the hissa survey ~~measurements~~ work by crediting a fee of Rs 5/- for the purpose and applied for a verification of the measurements conducted during Hissa Survey

On the hadbust record being submitted to this office by the District Survey Officer, Bangalore, with his report No 196 dated 20-10-1944, it was observed by the Commissioner for Settlement and Land Records that the petitioner's challenge case had not been registered and dealt with by the District Survey Officer as such The District Survey Officer,Bangalore was therefore asked in this office Memo No R R 391 dated 13th January 1945 to direct the Supervisor to attend to this challenge case and to submit the Supervisor's report with his remarks for the orders of the Commissioner

- over -

As the report submitted by the then District Survey Officer (Mr C Rajagopal) now retired from service, was at variance with the report of the Mobile Party Supervisor Mr A Venkatachalapathi who conducted the spot inspection, Mr H Venkataswamiah, who was in additional charge of the District Survey Office, Bangalore, then, consequent on the grant of leave to Mr C Rajagopal, preparatory to retirement, was asked to inspect the land and furnish his considered opinion in the matter. As the report submitted by him was at variance with that of the previous District Survey Officer, the Superintendent of Land Records felt the need to inspect the land in dispute personally and satisfy himself as to the correctness of the work done in respect of this disputed portion before passing final orders in the matter

Accordingly, S No.31/2 referred to above was inspected by the Superintendent of Land Records on 28th May 1946 in the presence of the contending parties and others.

## Facts of the Case.

It is seen from the entries made in the Hissa Survey tippan, that the measurement of the land in question was done by Surveyor Guddo Virupaksha so far back as 27th March 1929 i e. more than 17 years ago, when the land which is now stated to be in dispute was purely an agricultural holding

It is further observed from the remarks made by the surveyor in the tippan that three hissas were recorded in the preliminary register in respect of S No 31 under fererence and that the Surveyor in the course of his measurement observed that there was no hadbust or line of enjoyment between hissa No 1 and 2 He has, therefore, clubbed these two hissas and entered jointly in the names of hissadars of hissas 1 and 2 as per enjoyment of the field A mutchalika has been obtained to this effect from the village Officers I.e , both Patel and Shanbhogue during the course of the Record of Rights operations of Bangalore Taluk

Coming to the present state of the land in question, remarkable changes have since taken place during the long span of more than a decade and a half, so much so, that practically no traces of its former position could be made out

In this connection it may be stated that it has been the practice to fix up first the boundary marks of the survey number as per tippan measurements recorded during original survey before taking up the verification of the Record of Rights measurements, with a view to find out how far they conform to the actual state of affairs.

Such a course (which is absolutely necessary before verifying hissa survey measurements) is rendered impracticable in this case in view of the fact that in the course of inspection, it was observed that huge buildings have sprung up in the locality and that all the original boundary marks viz , Bandas and stones through which the hissa boundary line passes have been completely occupied by buildings, thus rendering the verification of the surveyor's work(hissa measurements) impossible

Order

The challenge case relates to the measurement of hissa No 2 of Survey No 31 of Hanumanthapur village, Bangalore North Taluk The Hissa in question was measured by surveyor Guddo Virupaksha on the 27th of March,1929 i e nearly 17 years ago After a lapse of 15 years, a petition has been made,challenging the accuracy of the measurements of the hissa in question As the two District Survey Officers Messrs C Rajagopal and B Venkataswamiah have made conflicting reports, I inspected the land in question on the 28th May 1946 I notice that a vast change has taken place in the vicinity and the area round the hissa is covered with buildings,with the result that the boundary marks of the Survey Number of which the hissa forms a part cannot be fixed with reference to the recorded measurements of the tippan book In these circumstances, it is not possible to fix the location of the hissa in question In this view it is not possible to order the correction of survey records of the hissa Hence I hold that the challenge case fails

---

" Copy "

Municipal Commissioner

Bsk.

LS781/ML.25-46-13

To

The Municipal Town

Bangalore city -

(Through the President)

Acquisition of a triangular bit of land in S no 31/2, Hanumanthapura Village, I Division, Bangalore city -

Sir,

With reference to the correspondence ending with your letter no CL-C 1050/44 dated 30-7-46 on the above subject, I am directed to state that the Govt order in respect of the above acquisition proceedings communicated in this office letter no 386, dated 17-7-1945, is

hereby vacated, in the circumstances
referred

Action may be taken to complete the
acquisition proceedings and hand over
effective possession of the property to the
Lakshmana Iyer very early.

The records are herewith returned

Memo No. 5782 dt 26/10 from Revenue
Copy sent to the Commissioner for ~~Superintendent of Land Records~~
Survey & Settlement & Land Records, Mysore, Bellary for information
with reference to his letter No. R.R. 2-44 dated
15-7-46 ~~addressed to the Hill Cows Breeders Society~~
The enclosures are herewith returned

B.O.
for Revenue Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No L5-181/R Dated Bangalore 26th October 1946.

FROM ML 23-46-13

*The Secretary to the Government of His Highness the Maharaja of Mysore*
Revenue Department.

To

The Municipal Commissioner,
Bangalore City.
(Through the President, Municipal Council).

Sir,

Acquisition of a triangular bit of land in S.No. 31/2, Hanumanthapur Village, I Division, Bangalore City.

With reference to the correspondence ending with your letter No.L.1-C.1050/44 dated 30th July 1946 on the above subject, I am directed to state that the stay order in respect of the above acquisition proceedings communicated in this office letter No.386 dated 17th July 1945 is hereby vacated in the circumstances reported.

Action may be taken to complete the acquisition proceedings and handover effective possession of the properties to Mr. Lakshmana Iyer very early.

The records are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

Na J S Nallaradhya

Secretary to Government,
Revenue Department.

Aga/3.

Memo No. L 5189/41 C

Dated, Bangalore the 26th Oct. 1946.

Copy of the foregoing is forwarded with compliments to the Commissioner for Settlement and Land Records in Mysore, Bangalore for information with reference to his letter No. R.R. 2-44 dated 11th July 1946.

The enclosures are herewith returned.

By Order,

Secretary to Government,
Revenue Department.

Spare Cy

Agv/2.

Zerox LS-188/Mel 23-46-13

Endorsement granted to 8/26 10 46

K H Lakshmaiah

Hammanathapura village

Harishwara Hobli

Subedar Chathram Extension

Bangalore City

Sir

In reply to his petition dated 11-7-1946 addressed to the Minister for Education and Public Health, requesting that proceedings in respect of the Preliminary list of land measuring 25 1/3 sqrs Yards in S.No 31/2 in Hammanathapura village, 1 Division, Bangalore city, by the City Municipal Act, be ordered to be

drafted. Dr K. H Lashmanna is informed that Government see no reason to interfere in the matter.

Sd
for Secretary

Memo No. L5784 dt 26 10 [illegible]
copy w.c.b. the Municipal Commr
Bangalore City for info

Sd
for Secretary

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE**

No L 5183 / Miscs-116-13

**General and Revenue Secretariat,**

*Dated, Bangalore,* 26th October 1946.

**ENDORSEMENT**

Granted to Mr. K.H. Lakshmiah, Hanumanthapur Village, Mariswami Mutt, ~~Extension~~ Subedar Chattram Extension, Bangalore City.

---

In reply to his petition dated 11th July 1945 addressed to the Minister for Education and Public Health, requesting that acquisition proceedings in respect of the triangular bit of land measuring 25 1/3 square yards in S.No.31/2 in Hanumanthapur village, I Division, Bangalore City, by the City Municipal Council, be ordered to be dropped, Mr.K.H. Lakshmiah is informed that Government see no reason to interfere in the matter.

By Order,

Sd/- B Hallaradhye

Secretary to Government,
Revenue Department.

Aga/3.

Memo No. L5784 Dated, Bangalore the 26th Oct. 1946.

Copy of the foregoing is forwarded with compliments to the Municipal Commissioner ~~xxMx~~ Bangalore City Municipality for information.

By Order,

for Secretary to Government,
Revenue Department.

Spare copy

C.V. LAKSHMANA IYER,
Assistant Accountant.

Bank of Mysore, Ltd.,
Bangalore City,
22nd October 1946.

--:0:--

The Revenue Secretary to Government
of Mysore,
Bangalore.

Dear Sir,

Subject - Acquisition of a triangular bit of land in Survey No.31/2, Hanumanthapur Village, I Division Bangalore City.

---

With reference to the inspection of the above spot on 17th May 1946 by the Minister of Education and Public Health, I shall be much obliged if you will kindly let me know the Order of the Government in the matter.

Thanking you for an early compliance,

Yours faithfully,

C Lakshmana Iyer

Zerox No-L 5721 dy 11 11 46

Endorsement awaited to

Mr C V Kalyanasundaram Iyer

Assistant Accountant, Bank

~~Dehra Dun~~, of Mysore, Bangalore

In reply to ~~your~~ his letter

dated 22-10-46 requesting that the

matter communicated to him ~~Kalyanasundaram~~ in regard to

~~you~~ the acquisition of a triangular

piece of land in S No 31/2 of Hanumanthapura

Village, Bangalore City, ~~Mr. C V~~

Lakshmana Iyer is informed that

he may therefore

~~Bangalore City~~, in the matter

necessary orders have been

issued to the Land Acquisition Officer

to take action to hand over effective

possession of the above land to him and that

Yours

for Revenue

P.T.O.

Memorandum No. L-5922 of 11-11-66

Copy sent to [illegible]

[illegible]

64

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE**

**General and Revenue Secretariat,**

No L-5724 *Dated, Bangalore,* 11th November 1946.

**ENDORSEMENT**

Granted to Mr. C.V.Lakshmana Iyer, Assistant Accountant, Bank of Mysore, Bangalore.

---

In reply to his letter dated 22nd October 1946 requesting that the orders of Government may be communicated to him in regard to the acquisition by the Bangalore City Municipal Council of a triangular bit of land in Survey No.31/2 Hanumanthapur village, Bangalore City purchased by him from the Municipality, Mr. C.V Lakshmana Iyer is informed that necessary orders have been issued to the Municipal Commissioner Bangalore City to take the necessary action to hand over effective possession of the above land to him and that he may therefore approach that Officer in the matter.

By Order,

For Revenue Secretary to Government.